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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,441	03/04/2002	Gerald Burnett	CA1149	4401

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EXAMINER
SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
2153	

NOTIFICATION DATE	DELIVERY MODE
04/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
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-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 January 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>3,4,6-31,35 and 53-55</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>3,4,6-31,35 and 53-55</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some *   c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37

CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for

continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely

paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 1/23/2008 has been entered.

Response to Arguments

Applicants' arguments filed 1/23/2008 have been fully considered but they are not

persuasive.

Applicants generally argue that the newly presented claims are patentable over the prior art

of record, however applicants have not identified any specific limitations that the prior art of record

does not teach.

The examiner finds this argument unpersuasive and directs applicants to the rejections

presented below.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is
appropriate where the conflicting claims are not identical, but at least one examined application
claim is not patentably distinct from the reference claim(s) because the examined application claim is
either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg,*

140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010
(Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and
In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

    A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be
used to overcome an actual or provisional rejection based on a nonstatutory double patenting
ground provided the conflicting application or patent either is shown to be commonly owned with
this application, or claims an invention made as a result of activities undertaken within the scope of a
joint research agreement.

    Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 54 and 55 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claim 1 of copending

Application No. 11/932,802. Although the conflicting claims are not identical, they are not

patentably distinct from each other. This is a *provisional* obviousness-type double

patenting rejection because the conflicting claims have not in fact been patented.

    Claim 1 of the copending application clearly anticipates every aspect of claims 54 and 55 of

the instant application except for "monitoring [and recording] … connection address queries" in

claims 54 and 55 of the instant application.

    The examiner interprets a connection address query as any query for information that

includes the address of any connection.

    Monitoring and recording such information was well known in the art. For example, many

commercial FTP servers log the IP addresses associated with various events. Given this

information, one of ordinary skill in the art would have readily recognized that logging the addresses

associated with events would provide advantages such as enabling administrators to identify and deal

with potential threats to the network.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification does not recite the term "connection address query," which is recited in claims 54 and 55.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3, 4, 6-31, 35, and 53-55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 54 and 55 each recite the limitation "connection address queries." The examiner has reviewed the specification and cannot find any feature that meets this limitation.

Claim 14 recites the limitation "the call events" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 4, 10-28, 30, 35, and 53-55 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Stewart (U.S. Patent No. 6,389,112).

As to claims 54, Stewart teaches a reporting system comprising:

at least one event monitoring subsystem for monitoring internal network system events,

external network system events, and service events, including opening and closing connections (e.g.,

session logon/logoff, telnet connection/disconnection) (see Stewart at col. 6, ll. 34-44, table 1);

at least one database subsystem for recording the monitored events and for classifying the

monitored events according to predetermined characteristics and attributes (time, description,

number of events, critical/non-critical) (see Stewart at col. 10, ll. 51-53, col. 11, ll. 1-4, table 1); and

at least one reporting subsystem for receiving query parameter information (e.g., a selected

day, a particular switch or the whole network, etc.) from a user and for generating a report (e.g., log

file, graphs, etc.) in accordance with the query parameter information (e.g., a selected day, a

particular switch or the whole network, etc.) (see Stewart at col. 10, ll. 36-41, col. 12, ll. 65-67, col.

14, ll. 49-53, col. 15, ll. 24-28).

In table I, Stewart shows various types of events that are monitored and logged. However,

none of these events can reasonably be interpreted as "connection address queries" as required by

the claims. The examiner interprets a connection address query as any query for information that

includes the address of any connection.

Stewart's logs include ftp link information and session logon and logoff information (see

Stewart at table 1). The examiner takes official notice that it was well known in the art to log

address information in these types of logs. For example, many commercial FTP servers log the IP

addresses associated with logons, logoffs, link failures, etc. Given this information, one of ordinary

skill in the art would have readily recognized that logging the addresses associated with these events

would provide advantages such as enabling administrators to identify and deal with potential threats

to the network. For example, the addresses of computers that attempt to break into and FTP server

could be identified and blocked.

     As to claim 55, this claim is directed to a method for performing the operations of the

system of claim 54 and is rejected for substantially the same reasons as claim 54.

     As to claim 3, Stewart teaches that the monitoring subsystems are decentralized by being

deployed among multimedia collaboration system networks (see Stewart at fig. 1).

     As to claim 4, the decentralization results in an architecture that parallels the architecture of

IXC network 10 (see Stewart at fig. 1).

     As to claim 10, Stewart teaches that the at least one database subsystem further comprises at

least one user login record operable to store information corresponding to user login events (see

Stewart at table 1).

     As to claim 11, Stewart teaches that user login records comprising supplemental information

(see Stewart at table 1).

     As to claim 12, Stewart teaches that the at least one database subsystem further comprises at

least one user logout record operable to store information corresponding to user logout events (see

Stewart at table 1).

     As to claim 13, Stewart teaches that user logout records comprising supplemental

information (see Stewart at table 1).

As to claims 14 and 15, Stewart teaches at least one call record operable to store event information corresponding to call events including timing information (see Stewart at col. 11, ll. 1-4, table 1).

As to claims 16 and 17, Stewart teaches at least one call record operable to store event information corresponding to call errors including timing information (see Stewart at col. 11, ll. 1-4, table 1).

As to claim 18, Stewart teaches that the at least one database subsystem further comprises at least one service record operable to store event information corresponding to the service events (see Stewart at table 1).

As to claim 19, Stewart teaches that the service record comprises session information (e.g., session logon/logoff) (see Stewart at table 1).

As to claim 20, Stewart teaches that the at least one database subsystem further comprises at least one service record operable to store event information corresponding to the service error events (e.g., file transfer errors) (see Stewart at table 1).

As to claim 21, Stewart teaches that the at least one service error record comprises timing information (see Stewart at col. 11, ll. 1-4).

As to claim 22, Stewart teaches that the at least one database subsystem comprises a plurality of localized databases (at switches 12), each localized database configured to store the monitored event information associated with a particular multimedia collaboration system network (e.g., IXC network 10), and a centralized database (24) configured to centrally maintain the stored information associated with each of the plurality of localized databases (see Stewart at fig. 1).

As to claim 23, Stewart teaches that the at least one database subsystem comprises a centrally located database configured to maintain the monitored event information (see Stewart at fig. 1, table 1).

As to claim 24, Stewart teaches at least one database subsystem comprising a plurality of localized databases (at switches 12), a respective database of the plurality of localized databases configured to store the monitored event information associated with a particular multimedia collaboration system network (IXC network 10) (see Stewart at fig. 1).

As to claim 25, Stewart teaches that the at least one reporting subsystem is configured to generate either standard or customizable reports relating to the operation of the multimedia collaboration system network in response to the query parameter information (see Stewart at col. 10, ll. 36-41, col. 12, ll. 65-67, col. 14, ll. 49-53, col. 15, ll. 24-28).

As to claims 26 and 27, Stewart teaches that the reporting module, in response to the query, performs predetermined calculations on the event information to generate a report (see Stewart at col. 10, ll. 36-41, col. 12, ll. 65-67, col. 14, ll. 49-53, col. 15, ll. 24-28).

As to claims 28 and 30, Stewart teaches a machine-readable report file comprising textual and graphical data (see Stewart at col. 10, ll. 36-41, col. 12, ll. 65-67, col. 14, ll. 49-53, col. 15, ll. 24-28).

As to claim 35, Stewart teaches a general filter formatter (read: anything that filters a query parameter such as a selected day, etc.) (see Stewart at col. 10, ll. 36-41, col. 12, ll. 65-67, col. 14, ll. 49-53, col. 15, ll. 24-28).

As to claim 53, Stewart teaches event logs and WAN call progress signals (see Stewart at table 1).

    Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart

(U.S. Patent No. 6,389,112) in view of and Bryan (U.S. Pub. No. 2002/0188942).

    As to claims 6 and 7, Stewart does not teach storing event information corresponding to

startup events with supplemental information. However, storing such event information well

known in the art, as evidenced by Bryan (see Bryan at ¶37). It would have been obvious to store

such event information here because one of ordinary skill in the art would readily appreciate that

doing so would provide administrators with as much information as possible to allow them to

identify system problems.

    As to claims 8 and 9, Stewart does not teach storing event information corresponding to

shutdown events with supplemental information. However, storing such event information well

known in the art, as evidenced by Bryan (see Bryan at ¶37). It would have been obvious to store

such event information here because one of ordinary skill in the art would readily appreciate that

doing so would provide administrators with as much information as possible to allow them to

identify system problems.

    Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (U.S.

Patent No. 6,389,112) in view of and Ditmer (U.S. Patent No. 6,490,620).

    As to claim 29, Stewart does not expressly show a comma separated report file. However,

the CSV report format is a comma separated report format that was well known in the art, as

evidenced by Ditmer (column 19, lines 35-43). It would have been obvious to use such a report

format because doing so would allow for the reports to be easily read by a variety of applications.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (U.S.

Patent No. 6,389,112) in view of Arango (U.S. Patent No. 6,724,747).

As to claim 31, Stewart does not teach providing services to a plurality of workstations, at

least one of the workstations having a monitor for displaying visual images and A/V capture and

reproduction capabilities for capturing and reproducing video images and spoken audio of the

participants; and a data network providing a data path along which data can be shared among the

plurality of the workstations; and a data conference manager for managing the sharing of data

between the plurality of workstations.

In a similar art, Arango teaches a plurality of workstations, at least one of the workstations

having a monitor for displaying visual images and A/V capture and reproduction capabilities for

capturing and reproducing video images and spoken audio of the participants; and a data network

providing a data path along which data can be shared among the plurality of the workstations; and a

data conference manager (call agent) for managing the sharing of data between the plurality of

workstations (see Arango at abstract, fig. 2).

It would have been obvious to use Arango's system because it would provide clients with

means for convenient communicating with each other.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Philip S. Scuderi whose telephone number is (571)272-5865. The examiner

can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

/P.S./